

REMARKS

Claims 1, 3-5, 9, 10, 13-15, 17, 18, 20, 21, 24 and 26-32 are all the claims pending in the application. New claims 33-43 are hereby added and discussed in detail below.

Interview Summary

The undersigned conducted an interview with the Examiner and the Examiner's Supervisor on February 26, 2008. Applicants thank the Examiner for providing such a candid discussion of the issues in contention. As a result of the interview, the undersigned and the Examiner agreed that prior art of record did not disclose the recited support member which contacts a part between the nostrils and the mouth of a living body. Additionally, it was agreed that the prior art failed to show the respiratory flow path formed as an open channel.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1, 3, 5, 9-10, 13 and 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamori et al. (US 5,957,127) in view of Dietz (US 5,005,571);

Claims 1, 3, 5, 9, 13-14 and 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fertig (US 5,095,900) in view of Dietz;

Claims 1, 3, 5, 9, 13-18, 20-21 and 24-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neil et al. (US 5,957,127) in view of Dietz; and

Claims 1, 3-5, 9-10, 13, 15, 17-18, 20-21, 24 and 26-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Toole (US 6,379,312) in view of Passaro et al. (US 4,423,739) and in further view of Yamamori.

Because independent claims 1, 10, 13 and 21 have been amended to overcome the prior art in accord with the Examiner's suggestion, Applicants submit these claims are in condition for

allowance. Additionally, Applicants submit the rejected dependent claims 3-5, 9, 14, 15, 17-18, 20, 24 and 26-32 are allowable, at least by virtue of their dependency.

New Claims

Applicants hereby add new claims 33-43 in this Amendment. New claims 33-41 are supported, at least by Figures 6, 7A through 7E. New claims 42 and 43 are supported, at least by Figures 3-5.

Applicants submit new claims 33-43 are allowable, at least by virtue of their dependencies.

Further, regarding new claims 43 and 44, Applicants submit these claims are allowable, at least, because they recite “wherein the respiratory flow path is an open channel,” which was deemed to be a patentably distinguishable feature by the Examiner.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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